

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated October 28, 2008. Claims 1, 5, 9, 15, 21, 25, 29, 34, 38, 45, 51, 55, 59, 63, and 67 have been amended. Claims 30 and 41 were previously canceled. No new matter has been added by these amendments. Please charge Deposit Account No. 02-1818 for any fees due in connection with this Response.

The Office Action rejected Claims 1 to 29, 31 to 40, 42 to 52, 55, 56, 59, 60, 63, 64, 67, and 68 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,767,283 to Weiss ("Weiss") in view of U.S. Patent No. 6,315,660 to Demar et al. ("DeMar"). Applicant disagrees with and traverses these rejections. Additionally, Applicant has amended certain of the claims for clarity.

Weiss discloses a gaming device having "a primary display and a plurality of symbols on the primary display which leads to a first bonus . . . [t]he first bonus is a serpentine path over which a character must traverse in order to achieve a second bonus." Weiss, Abstract. Specifically, Column 1, lines 50 to 64 of Weiss discloses:

[a] first bonus event involves a playing path that a simulated character such as a dog is required to traverse. The number of steps that the simulated character takes is determined by a spinner located in a video screen which the player activates, preferably by touching. In this first bonus event, preferably a certain number of spins are allocated the player. Each time the character lands on a spot on the path which correlates to a credit value, that credit value is posted to the player's account. In addition, along the playing path are spaces which, if the character advances and stops thereat, signals the end of the bonus event. These spaces which indicate the end of the bonus event are entitled "Go Home". Should the player advance the character to the terminus of the playing path, a second bonus round evolves, known as "Easy Street".

Column 1, lines 52 to 63 of DeMar discloses:

a gaming machine with a feature allowing the player to select a game token. The gaming machine comprises a processor, a selection element and a display. The processor is operable to execute a game program defining a plurality of stations about a game board traversable by a game token. The selection element is operable to select, in response to player input, a game token for illustrating movement between the stations, and the display is operable to display, under control of the processor, the selected game token at one or more stations on the game board determined by execution of the game program.

DeMar discloses a game having a CPU which selects an integer movement value (such as a simulated roll of a pair of dice) defining a number of stations which a token is moved from a starting station. DeMar, column 11, lines 36 to 38. When the token stops moving after each roll (i.e., "lands" on a station), "the player is awarded the amount indicated on the station multiplied by the line bet." DeMar, column 12, lines 12 to 17. The DeMar game "continues with consecutive rolls of the dice with the player collecting various amounts corresponding to the landing stations determined by the rolls of dice, until the player's token has completed one trip around the game board." DeMar, column 12, lines 20 to 25. If the token lands on a "Chance" or "Community Chest" station, the DeMar gaming device provides the player with one of a plurality of different awards. See, e.g., DeMar, column 12, lines 30 to 45 and Table A-2. DeMar discloses that "[g]enerally, the 'Chance' and 'Community Chest' outcomes comprise awards of fixed coin values (e.g., BANK ERROR IN YOUR FAVOR, \$100), or they can move the player to a new space (e.g., GO BACK ONE SPACE)." DeMar, column 12, lines 37 to 40.

Amended independent Claim 1 includes, among other elements: at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with said at least one input device and said display device, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the locations along the path further from the first location, (c) repeat (a) to (b) until the symbol moves to the first location, and (d) provide a player an award based on the number of locations the symbol is moved to before the symbol moves to the first location, the award being separate from any value associated with any of the locations the symbol is moved to.

Page 9 of the Office Action stated:

Weiss lacks in explicitly teaching the repetition *within the same play of a game* of the steps of (a) causing the symbol to move to at least one location along the path toward the first location . . . and (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition . . . *until the symbol moves to the first location.* (Emphasis in original).

The Office Action relied on DeMar for disclosure of a setback location which causes the player's symbol to move backward one or more spaces without ending the play of the game. Page 9 of the Office Action stated that in DeMar:

a player may land on 'Community Chest' and receive an outcome of 'Go Back One Space'. The player symbol may then land on Community Chest again, depending on the number of spaces moved, and again experience a setback, until the player reaches a final location.

The Office Action concluded that:

[i]t would have been obvious to one of ordinary skill in the art at the time of invention to modify Weiss to include the non-terminating setback condition of DeMar in order to provide players a chance to continue playing the bonus game even though the player's symbol has experienced a setback condition.

Applicant respectfully disagrees and submits that Weiss and DeMar, alone or in combination, do not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the locations along the path further from the first location, and (c) repeat (a) to (b) until the symbol moves to the first location. As discussed above, the Office Action stated that Weiss lacks in explicitly teaching these elements. Applicant submits that DeMar fails to cure the deficiencies of Weiss at least because DeMar does not disclose a gaming device which is configured, for each play of a game, to, each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the locations along the path further from the first location.

For example, in DeMar, if the token (interpreted by the Office Action as the symbol of independent Claim 1) lands on a "Community Chest" station, the player may receive an outcome of "Go Back One Space". Under the Office Action's interpretation of DeMar, that "Community Chest" station is the location associated with the setback condition of independent Claim 1. However, in the same play of the DeMar game, if the token again lands on that "Community Chest" station, the player may receive an outcome of "Bank Error In Your Favor, \$100". In this case, the DeMar gaming device provides the player this outcome, but does not move the token counter-clockwise to another station (interpreted by the Office Action as the location along the path further from the first location of independent Claim 1). Thus, in DeMar, the token may land on a station associated with a setback condition and not experience a setback condition. That is, in DeMar, each time the token lands on the "Community Chest" station (interpreted by the Office Action as the location associated with the setback condition of independent Claim 1), the token (interpreted by the Office Action as the symbol of independent Claim 1) is not relocated to a station counter-clockwise from the "Community Chest" station (interpreted by the Office Action as the location along the path further from the first location). Furthermore, even though DeMar discloses a "Go To Jail" station, DeMar appears to disclose only that landing on the "Go To Jail" station ends the play of the DeMar game.

Therefore, unlike the gaming device of amended independent Claim 1, the gaming device resulting from the combination of Weiss and DeMar does not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the locations along the path further from the first location, and (c) repeat (a) to (b) until the symbol moves to the first location. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in view of DeMar to result in such a gaming device without reasonably being construed as improper hindsight reconstruction.

Additionally, Applicant submits that Weiss and DeMar, alone or in combination, do not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of a game, to provide a player an award based on the number of locations the symbol is moved to before the symbol moves to the first location, the award being separate from any value associated with any of the locations the symbol is moved to. For example, column 4, lines 19 to 23 of Weiss states "[s]o long as the character 35 lands on spots 41 having a numerical indicator, additional credits are posted to the player's account correlative with the magnitude of the numerical indicator on the spot." (Emphasis added). Similarly, DeMar discloses that when the player lands on a station, the CPU causes the player to be awarded the amount, if any, associated with the station. See, e.g., DeMar, column 42, lines 44 to 46. However, unlike the gaming device of amended independent Claim 1, Weiss and DeMar, alone or in combination, do not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of a game, to provide a player an award based on the number of locations the symbol is moved to before the symbol moves to the first location, the award being separate from any value associated with any of the locations the symbol is moved to. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in view of DeMar to result in such a gaming device without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, amended independent Claim 1 is patently distinguished over Weiss and DeMar, and is in condition for allowance. Claims 2 to 4 depend directly or indirectly from amended independent Claim 1 and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claims 5, 9, 15, 21, 25, 29, 34, 38, 45, 51, 55, 59, 63, and 67 each include certain elements similar to certain of the above-described elements of amended independent Claim 1 and are allowable for similar reasons. Claims 6 to 8, 10 to 14, 16 to 20, 22 to 24, 26 to 28, 31 to 33, 35 to 37, 39, 40, 42 to 44, 46 to 50, 52, 56, 60, 64, and 68 each depend directly or indirectly from one of amended independent

Claims 1, 5, 9, 15, 21, 25, 29, 34, 38, 45, 51, 55, 59, 63, and 67, and are allowable for similar reasons, and because of the additional features recited in these claims.

Moreover, regarding amended independent Claim 21, Applicant submits that Weiss and DeMar, alone or in combination, do not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of a game, to provide a player a total award based on any award associated with any of the locations the symbol is moved to and the number of locations the symbol is moved to before the symbol moves to the first location. As stated above, the gaming devices of Weiss and DeMar provide the player an award based on the values associated with the locations. Therefore, unlike the gaming device of amended independent Claim 21, neither Weiss nor DeMar, alone or in combination, anticipate or render obvious a gaming device which provides a player a total award based on any award associated with any of the locations the symbol is moved to and the number of locations the symbol is moved to before the symbol moves to the first location. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in view of DeMar to result in such a gaming device without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, amended independent Claim 21 is patently distinguished over Weiss and DeMar, and is in condition for allowance. Claims 22 to 24 depend directly or indirectly from amended independent Claim 21 and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claims 25 and 59 each include certain elements similar to certain of the above-described elements of amended independent Claim 21 and are allowable for similar reasons. Claims 26 to 28, and 60 to 62 each depend directly or indirectly from amended independent Claims 25 and 59, and are allowable for similar reasons, and because of the additional features recited in these claims.

The Office Action rejected Claims 53, 54, 57, 58, 61, 62, 65, 66, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Weiss in view of DeMar, and

further in view of Admitted Prior Art. The Office Action stated that Weiss and DeMar lack disclosing operating a game method through a data network including the Internet. The Office Action also stated that one of ordinary skill in the art would have been motivated to modify Weiss in combination with DeMar and Admitted Prior Art in order to allow a player to control gaming devices from a remote location.

Applicant respectfully disagrees and submits that regardless of whether it would have been obvious to modify Weiss in combination with DeMar in view of Admitted prior art, unlike the methods of operating a gaming device of Claims 53 and 54, these references, alone or in combination, do not anticipate or render obvious, for each play of a game: (a) causing a display device to display a plurality of locations including a first location, wherein a plurality of the locations along a path are each associated with an award and at least one location is associated with a setback condition; (b) determining movement of a player symbol along the path toward the first location; (c) each time the symbol moves to the at least one location associated with the setback condition, relocating the symbol to one of the locations along the path further from the first location; (d) repeating steps (b) to (c) until the symbol is moved to the first location; and (e) providing a player an award based on the number of locations the symbol is moved to before the symbol is moved to the first location, the award being separate from any value associated with any of the locations the symbol is moved to. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in combination with DeMar and Admitted Prior Art to result in such method of operating a gaming device without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, and because of the additional features recited in these claims, Claims 53 and 54 are patently distinguished over Weiss in combination with DeMar and Admitted Prior Art and are in condition for allowance.

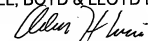
Claims 57, 58, 61, 62, 65, 66, 69, and 70, as amended, each include certain elements similar to certain of the elements of Claims 53 and 54, and are allowable for similar reasons, and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance, which is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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